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Petersen (J.) *Recht bei Tacitus*. Pp. xx + 617. Berlin and Boston: De Gruyter, 2019. Cased, £72.50, €79.95, US \$91.99. ISBN: 978-3-11-057988-8.

'Law and Literature' is beginning to grow as an area of interest in the world of classical scholarship having long been a staple in other epochs. The relationship between literary and legal discourses, particularly in the time of the transition from Republic to principate, is thus gaining ground as part of a more general growth in social-historical approaches to Roman law. *Recht bei Tacitus* makes no allusion to the modern interdisciplinary field but could nonetheless be thought to fit within this general movement on the Roman side. The clue as to subject is in the title, but any reader hoping for an analysis that mines Tacitus for information on substantive law, procedure and so on will be disappointed: Petersen's aim is not to pick out strictly historical information about law in Tacitus but rather to delineate Tacitus' own attitude to law, justice and legality in his works. His fundamental premise is that the study of *Recht* is embedded in the understanding of Tacitus' works entire, and cannot be separately from other thematic elements. *Recht bei Tacitus* thus goes below the law to encompass many of the staple topics of Tacitean scholarship.

The book begins with lengthy Introduction (98 pages) that amounts to a comprehensive overview of every aspect of law in all Tacitus' works, tackling such themes as religion and law, the relationship to individual power and to the depiction of both individual emperors and 'other' populations, as well as connections to Tacitus' conceptions of *libertas*. Precisely because, as Petersen points out, the study of the law is so very embedded in the understanding of the Tacitean corpus as a whole, and such large thematic concerns as have occupied Tacitean scholars (and Roman historians more broadly) for centuries, there is a feeling that sometimes this *Introduction* runs away from the author and we lose track of the law in the discussion of other issues. This also means that Petersen here has to go over a lot of well-worn ground. One begins, perhaps, to see why this treatment expands to a monumental 566 pages of text, not including indices, bibliography and so forth: The problem with the 'embedded' approach (which is to this reviewer's mind quite correct) is that it can make drawing the boundaries of study rather difficult.

The rest of the book is divided into three substantial chapters: 'Anfänge und Verfall des Rechts' (99-287), 'Rechtlosigkeit, Macht und Willkür' (289-399) and finally 'Recht und Rhetorik' (401-551). The first of these is sub-divided into four main parts, and amounts to a detailed study of Tacitus' excursus on the origins and decline of law at *Ann.* 3.25ff., with references from the rest of his works integrated to illuminate the passage further. The close echoes of the opening chapters of the *Annals* is repeatedly brought out, as it is again in later chapters, and thus the connection between Tacitus' views on law and the nature of the principate. A repeated refrain is the importance of Augustus in much of this, and we have an examination of the moral legislation and Tacitus' views thereon. Tacitus' historical approach to the development of law is brought out (167f.f), and indeed the relation between morals, morality, *ius* and *leges* remain recurrent themes. Particular fruitful comparison is made with Tacitus' writings on others as throwing into relief his comments on Rome's own government (172ff.).

The second chapter tackles the various trials, mostly *maiestas* cases, under Tiberius, Claudius, and finally Nero. Like chapter one, the *Annals* is the essential focus and the *topos* of lawlessness in a tyrannical regime is demonstrated throughout, echoing Tacitus' narrative in showing a progressive deterioration – even under Claudius, though the manoeuvring of his wives – until it reaches a peak under Nero. The chapter ends with the trial of Thrasea Paetus, looking forward to the renewed struggle of Helvidius Priscus against his persecutors. Perhaps the most interesting discussions here are not the many cases of lawlessness and injustice that are tied to despotism, but the incidents where despotism uses the veil of legality and legal language. Thus, Agrippina's speech as embodying

a bid for a return to the old legality whereby words went unpunished (374ff.) – hearkening back to before Augustus’ expansion of *maiestas* – exemplifies the subtle undertones with which Tacitus imbues his text where the theme of law is concerned, and Petersen brings out the nuances and implications well.

The final chapter turns initially to the *Dialogue on Oratory* before moving back to two speeches in the *Annals* (Cassius Longinus, *Ann* 14.43ff; Cremutius Cordus, *Ann.* 4.34ff.). Though the first part of this chapter is ostensibly on the *Dialogue*, a large amount of material is included on the *Histories* and the battle between Helvidius Priscus and Eprius Marcellus (Book 4): indeed, Petersen somewhat knowingly comments that his lengthy digression on the two in the *Histories* could be considered somewhat overdone as context for Aper’s passing remark in the *Dialogus* (446), but sees this contest of speeches as fundamental to bringing out Tacitus’ own conception of law. A shorter concluding section tackles scepticism about *iustitia* – a word which is used only thrice in the *Annals* – throwing light again on how this is used as a critique of Augustus, and coming back to the dependence of law and justice on the balance power in Tacitus’ view (550). The conclusion then does a very good job of bringing the analysis together and advancing an overall conception of Tacitus’ ideas on *Recht*: Tacitus has a morally grounded understanding of law, and views it as contextual, not a fixed constant (560) and not as a ‘system’ (555). Contingent on individuals, it is a tool for characterization and exploration of the nature of rulership.

One has to admire the comprehensive nature of Petersen’s study. Its use as a reference work for individual passages on law in Tacitus, and bibliography thereon, cannot be doubted. The somewhat dizzying array of subheadings and subchapters, on occasion down to five levels, may help with the reference use, though at times this becomes rather excessive in breaking up the text. And indeed one cannot help but feel that the key points will get lost amidst a large amount of summarizing of Tacitus’ text. If Petersen’s main argument is to be accepted – i.e. that Tacitus has a contingent, contextual view of law – then this could and should have quite far-reaching implications for our understanding of the elite’s conceptualisation of law in a period when we know much was beginning to change elsewhere: the second century appears to be a crucial point at which provincials were interacting with and asserting their own understandings of Roman law, and if an educated, integrated member of the Roman elite could also exhibit an understanding of the nature of law that was flexible and contingent, we might begin to see a debate across a wide range of the population of the empire.

Engagement beyond the realm of Tacitus – either within an ancient context, or more broadly to ideas of law/justice across epochs – would therefore have been welcome, and helped to spell out the possible wider implications in more explicit terms. Thus despite the thorough treatment, one doubts that this book will receive a large audience and the potential impact may indeed not be realized. As it stands, lawyers may find this a more useful study than either ancient historians in general or Tacitean scholars specifically, especially in view of the amount of space dedicated to well-worn tropes (the nature of the principate and Tacitus’ views on it; liberty; these must be dealt with in order to illuminate Petersen’s arguments on the nature of law but do not necessarily add much new on these themes in and of themselves). But *Recht bei Tacitus* is still a welcome study that supports greater attention being paid to ‘Law and Literature’ in the ancient world.